

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Objection to Figure 10

Figure 10 was objected to for not being identified as prior art. The Applicants respectfully traverse this objection, since, on June 22, 2006 a Submission of Replacement Drawings was filed in order to label figure 10 as “prior art.”

For the Examiner’s convenience a copy of the originally filed Submission of Replacement Drawings is attached herewith. As a result, withdrawal of this objection is respectfully requested.

II. Amendment to the Drawings

As mentioned above, a proposed drawing amendment is submitted herewith under a separate cover letter.

Specifically, Figure 2 has been amended to identify the arrow between S202 and S204 as “NO,” and to identify the arrow between S202 and S203 as “YES.”

This drawing amendment is editorial in nature and does not add new matter to the application.

III. Information Disclosure Statement

The Applicants kindly request that the Examiner consider reference “AP” submitted along with the Information Disclosure Statement (IDS) filed on June 22, 2006.

Item 2 on page 2 of the Office Action indicates that “no copy of the foreign data document was given (i.e., the document designated with reference letter “AP”).” However, it is respectfully submitted that the document designated with reference letter “AP” was in fact submitted along with the IDS filed on June 22, 2006.

Specifically, the Applicants note that the document designated with reference letter “AP” is JP 285875, which was in fact submitted with the IDS. A copy of the originally submitted reference JP 285875 is attached herewith for the Examiner’s convenience. The Applicants note that this confusion regarding reference “AP” may have arose because the translated abstract, included along with reference JP 285875, is from the publication of JP 285875 (i.e., JP publication 02-081344). However, as clearly evidenced by the documents attached herewith, both JP 285875 (foreign reference “AP”) and JP publication 02-081344 (translated abstract) are from the same JP 63-232402 application.

In view of the above, it is respectfully submitted that reference “AP” has in fact been submitted along with the IDS and is accompanied by the translated abstract. Therefore, the Applicants kindly request that the Examiner acknowledge receipt and consideration of reference “AP” by returning a completely initialed copy of the SB08 filed along with the IDS of June 22, 2006.

IV. Amendments to the Specification and Abstract

The specification and abstract have been reviewed and revised to improve their English grammar. The amendments to the specification and abstract have been incorporated into a substitute specification and abstract. Attached are two versions of the substitute specification

and abstract, a marked-up version showing the revisions, as well as a clean version. No new matter has been added.

V. Amendments to the Claims

Claim 6 has been cancelled without prejudice or disclaimer of the subject matter contained therein.

Further, independent claims 1, 8, 9 and 10 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below. Support for these amendments can be found, at least in paragraphs [0023], [0026] and [0028] and Figs. 4A and 6 of the originally filed application.

It is also noted that claims 1-5 and 7-10 have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

VI. 35 U.S.C. § 102 Rejection

Claims 1-4 and 6-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Suito (U.S. 2002/0054242). This rejection is believed clearly inapplicable to amended independent claims 1 and 8-10 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 recites a detection device including a noise level detecting section that detects a noise level of audio data included in a program signal, and including a detection sensitivity determining section that determines a detection sensitivity (for detecting a particular program in the program signal) based on the detected noise level. In addition, claim 1 recites that the detection device includes a silent portion detecting section that (i) sets (as a threshold value) a minimum hold value representing a minimum value of the audio data, wherein the set minimum hold value increases over time, (ii) changes a rate of the increase of the minimum hold value according to the determined detection sensitivity, and (iii) detects a silent portion of the audio data using the set threshold value. Suito fails to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 1.

Rather, Suito merely teaches that a delay circuit 4 delays a video and audio signal input from a tuner 2 by the time required to for the commercial detection circuit 3 to perform required processing (e.g., 1 minute), teaches that a quiet section detector 13 detects a quiet section based on a predetermined threshold value (e.g., 1), and teaches that a commercial candidate section detector 16 compares the predetermined threshold value (e.g., 1) with a frequency of a scene change (see Figs. 1 and 8 and paragraphs [0066], [0088] and [0109], as relied upon in items 5, 9 and 10 on pages 3, 6 and 7 of the Office Action).

Thus, in view of the above, it is clear that Suito teaches delaying an audio signal by a specific time, but fails to disclose or suggest (i) setting (as a threshold value) a minimum hold value representing a minimum value of the audio data, wherein the set minimum hold value increases over time, (ii) changing a rate of the increase of the minimum hold value according to the determined detection sensitivity, and (iii) detecting a silent portion of the audio data using the set threshold value, as recited in claim 1.

Additionally, in view of the above, although Suito teaches the use of a predetermined threshold value to detect a quiet section and a change of a scene, Suito still fails to disclose or suggest (i) setting (as a threshold value) a minimum hold value representing a minimum value of the audio data, wherein the set minimum hold value increases over time, (ii) changing a rate of the increase of the minimum hold value according to the determined detection sensitivity, and (iii) detecting a silent portion of the audio data using the set threshold value, as recited in claim 1.

In other words, the use of a predetermined threshold, as disclose by Suito, is completely different from the set minimum hold value that increases over time, such that the rate of the increase of the minimum hold value changes according to the determined detection sensitivity, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-5 and 7 that depend therefrom are not anticipated by Suito.

Furthermore, there is no disclosure or suggestion in Suito or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Suito to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2-5 and 7 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 8, 9 and 10 are directed to a method, a program, and an integrated circuit, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 8, 9 and 10 are allowable over Suito.

VII. 35 U.S.C. § 103(a) Rejection

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable Suito. However, it is respectfully submitted that, as discussed above in section VI, Suito does not disclose or suggest the above-discussed features of independent claim 1. Therefore, in view of the dependence on claim 1, claim 5 would not have been obvious in view of Suito.

VIII. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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